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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,097	09/09/2003	Hayder Radha	PHA 23,537A	9964

			EXAMINER
24737	7590	11/20/2006	MONTOYA, OSCHTA I

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
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ART UNIT	PAPER NUMBER
2635	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>22-35</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>22-35</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

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SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>9/9/2003</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2.   Claims 22-35 are rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,629,318.

The claims in the application and the patent are substantially identical in structural and

functional characteristics, as it can be seen in the following table.

Claims 1-21 (Cancelled)

Appl. Num. 10/658,097	Patent US 6,629,318
Claim 22. A receiver, comprising: a decoder buffer for receiving and storing encoded data packets in a plurality of access units, each of said access units for holding at least one data packet associated with a	Claim 1.. a decoder buffer for receiving from a streaming video transmitter data packets comprising said streaming video and storing said data packets in a plurality of access units, each of said access units for

selected frame; and a decoder, wherein said decoder buffer comprises: a re-transmission buffer region comprising at least one access unit for storing at least a first data packet that will be needed by said decoder next, wherein said decoder buffer, in response to a detection of a missing data packet in said retransmission region requests that said missing packet be retransmitted, and a non-re-transmission buffer region comprising at least one access unit for storing at least a latest received data packet, the latest received data packet and the first data packet being different.	holding at least one data packet associated with a selected frame in said streaming video, wherein said decoder buffer comprises: and a re-transmission region comprising at least one access unit for storing data packets that are most immediately needed by said video decoder, wherein said decoder buffer, in response to a detection of a missing data packet in said retransmission region requests that said streaming video transmitter retransmit said missing packet. a first buffer region comprising at least one access unit for storing data packets that are less immediately needed by said video decoder;
Claim 23. The receiver set forth in Claim 22 wherein at least one of the data packets are stored in the non-re-transmission buffer region for a period of time equal to a start-up delay time of the decoder buffer.	Claim 2. The decoder buffer set forth in claim 1 wherein at least one of said data packets are stored in said first buffer region for a period of time equal to a start-up delay time of said decoder buffer.
Claim 24. The receiver set forth in Claim 22 wherein the data packets are first stored in non-re-transmission buffer region and are shifted into the re-transmission buffer region.	Claim 3. The decoder buffer set forth in claim 1 wherein said data packets are first stored in said first buffer region and are shifted into said re-transmission region.
Claim 25 The receiver set forth in Claim 22 wherein non-retransmission buffer region is separate from the re-transmission region buffer region.	Claim 4. The decoder buffer set forth in claim 1 wherein said first buffer region is separate from said re-transmission region.

Claim 26 The receiver set forth in Claim 22 wherein non-retransmission buffer region overlaps at least a portion of the re- transmission buffer region.	Claim 5. The decoder buffer set forth in claim 1 wherein said first buffer region overlaps at least a portion of said re-transmission region.
Claim 27 The receiver set forth in Claim 26 wherein the nonre-transmission buffer region overlaps all of the re-transmission buffer region.	Claim 6. The decoder buffer set forth in claim 5 wherein said first buffer region overlaps all of said re-transmission region.
Claim 28 The receiver set forth in Claim 22 wherein non-retransmission buffer region is separated from the re-transmission buffer region by a second buffer region in which a late data packet is late with respect to an expected time of arrival of said late data packet, but is not sufficiently late to require a re-transmission of said late data packet.	Claim 7. The decoder buffer set forth in claim 1 wherein said first buffer region is separated from said re-transmission region by a second buffer region in which a late data packet is late with respect to an expected time of arrival of said late data packet, but is not sufficiently late to require a re-transmission of said late data packet.
Claim 29 A receiver for receiving encoded streaming data comprising: a decoder for decoding the encoded streaming data; a display device for displaying information decoded by said decoder; and a decoder buffer for receiving data packets comprising the encoded streaming data and storing the data packets in a plurality of	Claim 8. A receiver for receiving encoded streaming data comprising: a device for at least one of: 1) displaying streaming video data associated with said encoded streaming data and 2) audibly playing streaming audio data associated with said encoded streaming data; a decoder for decoding said encoded streaming data; and a decoder buffer for receiving from a streaming data transmitter data packets comprising said encoded streaming data

access units, each of said access units for holding at least one data packet associated with a selected portion of the encoded streaming data, wherein said decoder buffer comprises: a re-transmission region comprising at least one access unit for storing at least a first data packet that will be accessed by said decoder next, wherein said decoder buffer, in response to a detection of a missing data packet **in said** re-transmission region requests retransmission the missing packet, a non-re-transmission buffer region comprising at least one access unit for storing at least a latest received data packet.	and storing said data packets in a plurality of access units, each of said access units for holding at least one data packet associated with a selected portion of said encoded streaming data, wherein said decoder buffer comprises: a re-transmission region comprising at least one access unit for storing data packets that are most needed by said decoder, wherein said decoder buffer, in response to a detection of a missing data packet in said re-transmission region requests that said streaming video transmitter retransmit said missing packet a first buffer region comprising at least one access unit for storing data packets that are less immediately needed by said decoder;
Claim 30. The receiver set forth in Claim 29 wherein at least one of said data packets are stored in the non-re-transmission buffer region for a period of time equal to a start-up delay time of said decoder buffer.	Claim 9. The receiver set forth in claim 8 wherein at least one of said data packets are stored in said first buffer region for a period of time equal to a start-up delay time of said decoder buffer.
Claim 31 The receiver set forth in Claim 29 wherein said data packets are first stored in non-re-transmission buffer region and are shifted into the re-transmission buffer region.	Claim 10. The receiver set forth in claim 8 wherein said data packets are first stored in said first buffer region and are shifted into said re transmission region.
Claim 32 The receiver set forth in Claim 29 wherein the nonre-transmission buffer region is separate from the re-transmission buffer region.	Claim 11. The receiver set forth in claim 8 wherein said first buffer region is separate from said re-transmission region.

Claim 33 The receiver set forth in Claim 29 wherein the nonre-transmission buffer region overlaps at least a portion of the re-transmission buffer region.	Claim 12. The receiver set forth in claim 8 wherein said first buffer region overlaps at least a portion of said re-transmission region.
Claim 34 The receiver set forth in Claim 33 wherein the nonre-transmission buffer region overlaps all of the re-transmission buffer region.	Claim 13. The receiver set forth in claim 12 wherein said first buffer region overlaps all of said re-transmission region.
Claim 35 The receiver set forth in Claim 29 wherein the nonre-transmission buffer region is separated from the re-transmission buffer region by a second buffer region in which a late data packet is late with respect to an expected time of arrival of said late data packet, but is not sufficiently late to require a re-transmission of said late data packet.	Claim 14. The receiver set forth in claim 8 wherein said first buffer region is separated from said retransmission region by a second buffer region in which a late data packet is late with respect to an expected time of arrival of said late data packet, but is not sufficiently late to require a re-transmission of said late data packet.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oschta Montoya whose telephone number is (571) 270-1192. The examiner can normally be reached on Monday/Friday 7:30 to 5:00 off every other friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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